IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO. 538 OF 2005

IN

SUMMARY SUIT NO. 957 OF 2005

Pratima Mangal Shah ...Plaintiffs.
vs.
Ravi Nirman Nigam Ltd and Ors. ...Defendants.

P.M. Shah, advocate
for the plaintiffs.
Anuj Narulla i/by. Jhangiani Narula and Associates **for the defendants**

CORAM: S.U. KAMDAR, J.

DATE : 3rd March, 2006.

P.C. :

1. Learned counsel for the plaintiff states that he gives up the claim covered by Cheque No.58845, 58846, 58847, 58848, 58849 of an amount of Rs.54,000/-, Rs.56,000/-, Rs.55,396/-, Rs.53,000/-, and Rs.57,000 respectively as the claim is barred by the law of limitation.

Howekver he continues to prosecute the suit for the balance claim in the suit. In so far as the balance claim is concerned learned cousnel for the defendant states thaat he will deposit in this court a sum of Rs.1 lacs within six weeks from today. The Prothonotary and Senior Master, High Court, Bombay will invest the same in fixed deposit of any nationalised bank and renew the same from time to time till further orders. On such deposit being made the defendant will be granted leave to defend. The balance of the claim after the claim is given up by the plaintiff. If the amount is not so deposited the plaiontiff will be entitled to the decree for the balance of the claim. Summons for Judgment disposed off accordngly. No order as to costs.

****